



DEP & REF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LALVANI et al.

Appn. No. 10/721,798

Filed: November 26, 2003

FOR: DETECTION OF CD8<sup>+</sup> T CELL RESPONSES TO *M. TUBERCULOSIS*

Confirmation No. 6314

Atty. Ref.: 3772-18

T.C. / Art Unit: 1645

Examiner: R.P. Swartz

\* \* \*

**ASSERTION OF SMALL ENTITY STATUS AND REFUND REQUEST**

May 5, 2006

Mail Stop 16

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

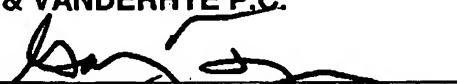
Sir:

On behalf of his client, the undersigned attorney asserts under 37 CFR § 1.27(c) that this application is entitled to small entity status and to pay fees accordingly.

Applicants request a refund under 37 CFR § 1.28(a) for the overpayment made when the three-month extension of time for response and Notice of Appeal were filed on April 14, 2006. The fees paid were \$1020 as the three-month extension of time for response and \$500 for the Notice of Appeal. Refund of a portion amounting to \$760 is requested: \$510 for the three-month extension of time for response and \$250 for the Notice of Appeal. Therefore, it is requested that the overpayment of \$760 be refunded to Applicants' attorney by crediting his firm's Deposit Account No. 14-1140 under Order No. 3772-18. For this purpose, a duplicate copy of this paper is enclosed.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

Gary R. Tanigawa  
Reg. No. 43,180

901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

1071059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

In re Patent Application of

LALVANI et al.

Serial No. 10721,798

Filed: November 26, 2003

Title: DETECTION OF CD8+ T CELLS RESPONSES TO M. TUBERCULOSIS



Atty Dkt. 3772-18

C# M#

TC/A.U.: 1645

Examiner: R.P. Swartz

Date: April 14, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Correspondence Address Indication Form Attached.

**NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting \$500.00 (1401)/\$250.00 (2401) \$ 500.00 applicant's claim(s).

An appeal BRIEF is attached in the pending appeal of the above-identified application \$500.00 (1402)/\$250.00 (2402) \$

Credit for fees paid in prior appeal without decision on mbrts94/19/2006 AKELECH1 00000001 10721798 -\$ ( )

A reply brief is attached in triplicate under Rule 41.41 01 FC:1401 500.00 OP 02 FC:1253 900.00 OP (no fee)

Pre-Appeal Brief Request for Review form attached.

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 1020.00

"Small entity" statement attached.

Less one month extension previously paid on January 27, 2006 -\$ ( 120.00)

**TOTAL FEE ENCLOSED** \$ 1400.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
GRT:ap

NIXON & VANDERHYE P.C.  
By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature:

14/10/2006-AKELECH1-00000016-10721798  
1400.00-OP  
01 FC:1254 1063315  
02 FC:1253  
01 FC:2253  
02 FC:2401

0030031763

\$760.00

Refund Ref: 05/23/2006

Credit Card Refund Total: XXXXXXXXX2021

Adjustment date: 05/23/2006 SDIRETA1  
04/19/2006 AKELECH1 00000001 10721798  
01 FC:1401 -500.00 OP  
02 FC:1253 -900.00 OP

**BEST AVAILABLE COPY**